

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024  
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035  
(Filed February 28, 2001)

Application of The Telephone Connection Local Services, LLC (U 5522 C) for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-031  
(Filed February 28, 2002)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and Signaling Networks and Call-Related Databases in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-032  
(Filed February 28, 2002)

Application of Pacific Bell Telephone Company (U 1001 C) for the Commission to Reexamine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-02-034  
(Filed February 28, 2002)

Application of XO California, Inc. (U 5553 C) for the Commission to Reexamine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops in Its Second Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 02-03-002  
(Filed March 1, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON NEED FOR HEARINGS**

This ruling determines that hearings will be held in the above-captioned proceeding on April 14 through April 18, 2003, at the Commission Courtrooms, State Office Building, 505 Van Ness Avenue, San Francisco, California.<sup>1</sup>

After reviewing the opening comments, reply comments, and rebuttal comments filed in this proceeding, I have determined that declarations filed by the parties along with their comments contain at least 5 areas where there are factual disputes.<sup>2</sup> The record of the case would be enhanced by cross-examination of the declarants on these five disputed issues.

The scope of the hearings on April 14 through 18, 2003, will therefore be limited to the following five factually disputed issues:

---

<sup>1</sup> The hearing dates of April 14 through 18, 2003, were set by a previous ruling in this proceeding dated January 6, 2003.

<sup>2</sup> Given the size of the record, I may identify further factual disputes in which case I will schedule additional hearings as necessary.

1. Can a stand-alone unbundled loop be provisioned using Integrated Digital Loop Carrier (IDLC) with a GR-303 interface?
2. Does the Siemens switch include an OC-3 optical interface?
3. Does the contract that Pacific Bell Telephone Company (Pacific, also now known as SBC) uses to purchase Alcatel Digital Loop Carrier (DLC) equipment include the costs for installation of that equipment in SBC's central offices and remote terminals?
4. With regard to SBC's switching contracts:
  - a. What is the amount of capacity (measured in Centi Call Seconds, or CCS) provisioned through the vendor contracts?
  - b. Do switch vendors install excess capacity (without payment on a stand-by basis) that is not paid for by SBC until activated?
5. Is it possible to separately identify feature hardware and software costs in SBC's switching contracts?

The hearing will commence at 10 a.m. on April 14, 2003, and will start at the same time each day that week, as needed, except for a 9:00 a.m. start time on April 15, 2003.

I intend to use a panel format for this hearing. This means that for each issue area, the witnesses on that topic will be sworn in and cross-examined as a panel. The witnesses will be cross-examined based on their previously filed declarations and exhibits. If parties wish to submit additional exhibits during the course of the hearings, they should refer to the ground rules attached to this

ruling in Appendix A.<sup>3</sup>

**IT IS RULED** that the Commission will hold hearings on the five topics listed in this ruling, beginning on April 14, 2003 and continuing through April 18, 2003.

Dated April 4, 2003 at San Francisco, California.

/s/ Dorothy J. Duda  
\_\_\_\_\_  
Dorothy J. Duda  
Administrative Law Judge

---

<sup>3</sup> Parties should ignore the first paragraph of Appendix A regarding written testimony because this has essentially already been filed in the form of opening comments on October 18, 2002, reply comments on February 7, 2003, and rebuttal comments on March 12, 2003.

## **Appendix A**

### **Page 1**

#### **Ground Rules for Exhibits and Hearings**

All prepared written testimony should be served on all appearances and state service on the service list, as well as on the Assigned Commissioner's office and on the Assigned ALJ. Prepared written testimony shall **not** be filed with the Commission's Docket Office.

Each party sponsoring an exhibit should, in the hearing room, provide two copies to the ALJ and one to the court reporter, and have at least five copies available for distribution to parties present in the hearing room. The upper right hand corner of the exhibit cover sheet should be blank for the ALJ's exhibit stamp. If there is not sufficient room in the upper right hand corner for an exhibit stamp, please prepare a cover sheet for the exhibit.

As a general rule, if a party intends to introduce an exhibit in the course of cross-examination, the party should provide a copy of the exhibit to the witness and the witness' counsel before the witness takes the stand on the day the exhibit is to be introduced. Generally, a party is not required to give the witness an advance copy of the document if it is to be used for purposes of impeachment or to obtain the witness' spontaneous reaction.

Generally, corrections to an exhibit should be made in advance and not orally from the witness stand. Corrections should be made in a timely manner by providing new exhibit pages on which corrections appear. The original text to be deleted should be lined out with the substitute or added text shown above or inserted. Each correction page should be marked with the word "revised" and the revision date.

Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. For example, Exhibit 5-A is the first correction to Exhibit 5.

Individual chapters of large, bound volumes of testimony may be marked with separate exhibit numbers, as convenient.

## APPENDIX A

### Page 2

Partial documents or excerpts from documents must include a title page or first page from the source document; excerpts from lengthy documents should include a table of contents page covering the excerpted material.

Motions to strike prepared testimony must be made **at least two working days before the witness appears**, to allow the ALJ time for review of the arguments and relevant testimony.

Notices, compliance filings, or other documents may be marked as reference items. They need not be served on all parties. Items will be marked using letters, not numbers.

No food is allowed in the hearing room; drinks are allowed, but you must dispose of containers and napkins every morning and afternoon.

**(END OF APPENDIX A)**

## CERTIFICATE OF SERVICE

I certify that I have by mail and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Need for Hearings on all parties of record in this proceeding or their attorneys of record.

Dated April 4, 2003, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

\*\*\*\*\*

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.